

OGC Has Reviewed

1 February 1977

MEMORANDUM FOR: AD/DCI/IC

FROM :   
Office of Inspector General

SUBJECT : Wartime Authority of the DCI

1. Attached is the OGC opinion on this subject I mentioned to you yesterday. It affirms the position that we advanced (unsuccessfully) three years ago in trying to revise the CIA-JCS Command Relationship Agreement and paragraph 8 of NSCID 5 last year: there is no statutory requirement for the DCI to turn over control of CIA resources overseas to DoD, that the term "active theaters of war" is ambiguous and subject to widely varying interpretation, and that any transfer of CIA resources to DoD control should be by mutual agreement between the SECDEF and the DCI or by direction of the President. We judged the DCI's authorities and responsibilities (except for NPIC) to be the same in wartime as in peacetime. We further noted that the JCS and Services could not agree on a definition of "active theaters of war" and that the term is not in JCS Pub. No. 1 - Dictionary of Military Terms.

2. This is a much misunderstood subject and one with high emotional content, especially in the Pentagon. I would be glad to discuss our past experience in trying to come to a more realistic and up-to-date agreement with the JCS on mutual contingency and wartime support, if you wish.

OIG

Attachment: a/s

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OIG/  :aal